

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

ROBERT D. ALLEN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:16cv720-MHT
	)	(WO)
M. REESE, Correctional	)	
Officer, et al.,	)	
	)	
Defendants.	)	

ORDER

In the defendants' special report, the defendants argue that the plaintiff's case should "be stricken" and that he "should not be able to bring a separate independent action" because he is a member of the class in 14cv601-MHT *Dunn v. Dunn* (now called *Braggs v. Dunn*) and, as a class member has "the right to grieve concerning any ADA-related complaints, as well as a mechanism for response and remedy." Special Report (doc. no. 14) at 5-6.

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It is ORDERED that, by May 23, 2019, the defendants shall respond to the fact that the consent decree

entered in *Dunn v. Dunn* concerning claims arising under the Americans with Disabilities Act and § 504 of the Rehabilitation Act of 1973, states as follows with regard to the dispute resolution process provided for in the decree: "Nothing in this Amended Agreement establishes a compulsory administrative prerequisite with which an Inmate must comply prior to the initiation of a lawsuit alleging violations of the Acts suffered during the Inmate's term of incarceration." Consent Decree (14cv601-MHT doc. no. 728) at 71; *Dunn v. Dunn*, 318 F.R.D. 652, 676 (M.D. Ala. Sept. 9, 2016) (Thompson, J.) (quoting relevant part of settlement agreement); see also *id.* at 678 ("A prisoner who seeks to assert a new and independent claim alleging a violation of the ADA or the Rehabilitation Act is free to file such a lawsuit in federal court.").

DONE, this the 16th day of May, 2019.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE